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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

**\*E-FILED - 6/6/07\***

12 In re FOUNDRY NETWORKS, INC.  
13 DERIVATIVE LITIGATION

Case No. C-06-05598 RMW

**NOTICE OF WITHDRAWAL AND  
SUBSTITUTION OF COUNSEL AND  
[ ] ORDER**

14  
15 This Document Relates to:

16 ALL ACTIONS.  
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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that effective immediately defendant TIMOTHY D. HEFFNER hereby designates the law firm of KEKER & VAN NEST, LLP, 710 Sansome Street, San Francisco, California 94111, telephone (415) 391-5400, facsimile (415) 397-7188, as his attorneys of record in the place and stead of DLA PIPER US LLP, 401 B Street, Suite 1700, San Diego, California 92101, telephone (619) 699-2766.

THE UNDERSIGNED CONSENT TO THE ABOVE WITHDRAWAL:

Dated: May 24, 2007

/s/ Timothy D. Heffner  
TIMOTHY D. HEFFNER

Dated: May 24, 2007

DLA PIPER US LLP

By: /s/ Shirli F. Weiss  
SHIRLI F. WEISS

SUBSTITUTION ACCEPTED:

Dated: May 24, 2007

KEKER & VAN NEST, LLP

By: /s/ Andrew N. Shen  
ANDREW N. SHEN

SO ORDERED.

Dated: 6/6, 2007

Ronald M. Whyte  
HONORABLE RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE

**SIGNATURE ATTESTATION**

Pursuant to General Order 45, Section X.B, regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Timothy D. Heffner and Shirli F. Weiss.

Dated: May 24, 2007

KEKER & VAN NEST, LLP

By: /s/ Andrew N. Shen  
ANDREW N. SHEN  
Attorneys for Defendant  
TIMOTHY D. HEFFNER